and was amended on

STATUS (patented, pending, abandoned)

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name: that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

as application serial no. _

and as amended on December 5, 2001 (if any), which I have reviewed and for which I solicit a United States patent.

The specification of which a. is attached hereto b. was filed on _

by any amendment referred to above.

U.S. APPLICATION NUMBER

Code of Federal Regulations, § 1.56 (attached hereto).

application and the national or PCT international filing date of this application.

OPTICAL ELEMENT, SEMICONDUCTOR DEVICE, AND OPTICAL INFORMATION RECORDING DEVICE EMPLOYING THE SAME

(if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/JP01/05822 filed on July 4, 2001

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37,

I hereby claim foreign priority benefits under Title 35. United States Code, § 119/365 of any foreign application(s) for patent or

filing date before that o a. no such applicati	the application on the basis of which prions have been filed. s have been filed as follows:		tent or inventors certificate naving	1
	FOREIGN APPLICATION(S), IF ANY	, CLAIMING PRIORITY UNDER	35 USC § 119	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	
Japan	2000-203387	5 July 2000		
	ALL FOREIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIORITY	APPLICATION(S)	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	

DATE OF FILING (day, month, year) I hereby claim the benefit under Title 35. United States Code § 119(e) of any United States provisional application(s) listed below:

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1,56(a) which occurred between the filing date of the prior

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

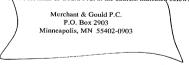
I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Albrecht, John W. Anderson, Gregg I. Anderson, Gregory M. Beard, John L. Beard, John L. Beard, John L. Black, Bruce E. Black, Bruce B. Bogucki, Raymond A. Beg. No. 32,640 Byrne, Linda M. Carlson, Alan G. Reg. No. 34,130 Reg. No. 32,404 Reg. No. 33,227 Reg. No. 33,227 Reg. No. 33,227 Pauly, Daniel M. Reg. No. 30,300 Reg. No. 30,300 Reg. No. 30,301 Reg. No. 30,247 Pulnett, Theodore Pytel, Melissa J. Reg. No. 37,206 Reg. No. 30,304 Reg. No. 30,247 Plunkett, Theodore Pytel, Melissa J. Reg. No. 40,579 Balglish, Leslie E. Baley, No. 34,994 Baley, Dennis R. Reg. No. 40,579 Balglish, Leslie E. Paulton, Julie R. Reg. No. 40,579 Reg. No. 34,994 Reg. No. 34,994 Reg. No. 36,6414 Reg. No. 34,994 Reg. No. 36,644 Reg. No. 40,620 Reg. No. 37,703 Reg. No. 37,703 Reg. No. 30,307 Reg. No. 37,703 Reg. No. 30,500 Reg. No. 37,703 Reg. No. 30,304 Reg. No. 30,304 Reg. No. 30,647 Reg. No. 30,64	and Trademark Office connec	ted herewith:	To proceed the second s	an ousmoss in the rate in
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Glance, Robert J. Golla, Charles E. Reg. No. 26,896 Golla, Charles E. Reg. No. 26,896 Gorman, Alan G. Gould, John D. Reg. No. 18,223 Gregson, Richard Gresens, John D. Reg. No. 18,223 Gregson, Richard Gresens, John J. Hamre, Curtis B. Hallson, Randall A. Reg. No. 21,124 Reg. No. 23,145 Reg. No. 31,122 Hamre, Curtis B. Hillson, Randall A. Reg. No. 29,165 Vandenburgh, J. Derek Reg. No. 32,179 Reg. No. 39,868 Holzer, Jr., Richard J. Reg. No. 42,668 Reg. No. 39,721 Wahl, John R. Reg. No. 39,868 Welter, Paul A. Reg. No. 39,869 Reg. No. 39,710 Wahl, John R. Reg. No. 33,044 Reg. No. 33,044 Reg. No. 39,721 Wahl, John R. Reg. No. 33,044 Reg. No. 33,364 Reg. No. 33,974 Wahl, John R. Reg. No. 33,044 Reg. No. 33,044 Reg. No. 33,974 Wahl, John R. Reg. No. 33,044 Reg. No. 33,044 Reg. No. 33,044 Reg. No. 33,974 Wahl, John R. Reg. No. 42,668 Reg. No. 33,974 Wahl, John R. Reg. No. 42,668 Reg. No. 31,515 Reg. No. 31,535 Reg. No. 31,535 Reg. No. 31,535 Reg. No. 39,536	Funk, Steven R.	Reg. No. 37,830		
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Gorman, Alan G. Gorman, Alan G. Gould, John D. Reg. No. 18,223 Gregson, Richard Gresens, John J. Hamre, Curtis B. Hilson, Randall A. Holzer, Jr., Richard J. Johnston, Scott W. Radievitch, Natalie D. Reg. No. 34,196 Restileburger, Denise Reg. No. 34,196 Reg. No. 34,196 Reg. No. 33,024 Restileburger, Denise Reg. No. 33,024 Restileburger, Denise Reg. No. 33,024 Reg. No. 33,024 Restileburger, Denise Reg. No. 31,196 Reg. No. 31,196 Reg. No. 31,197 Restileburger, Denise Reg. No. 31,535 Reg. No. 31,535 Reg. No. 31,535 Reg. No. 30,6848 Reg. No. 39,536	Golla, Charles E.	Reg. No. 26,896		
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Gregson, Richard Gregson, Richard Gresens, John J. Reg. No. 41,804 Gresens, John J. Reg. No. 33,112 Hamre, Curtis B. Reg. No. 29,165 Vandenburgh, J. Derek Hillson, Randall A. Reg. No. 31,838 Holzer, Jr., Richard J. Johnston, Scott W. Reg. No. 34,186 Wetter, Paul A. Reg. No. 39,868 Wetter, Paul A. Reg. No. 20,890 Reg. No. 34,196 Winder, Paul A. Reg. No. 33,044 Whips, Brian Reg. No. 33,044 Winder, Paul A. Reg. No. 33,045 Retelberger, Denise Reg. No. 37,160 Wickhem, J. Scott W. Reg. No. 37,160 Wickhem, J. Scott W. Reg. No. 37,160 Wickhem, J. Scott W. Reg. No. 33,044 Williams, Douglas J. Reg. No. 41,376 Reg. No. 21,197 Witt, Jonelle Reg. No. 41,980 Rowalchyk, Alan W. Reg. No. 31,535 Reg. No. 36,848 Reg. No. 36,848 Reg. No. 39,536 Reg. No. 39,536 Reg. No. 39,536 Reg. No. 39,536		Reg. No. 18,223	Tellekson, David K.	
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Hamre, Curtis B. Reg. No. 29,165 Vandenburgh, J. Derek Reg. No. 32,179 Rillston, Randall A. Reg. No. 31,838 Vradenburgh, Anna M. Reg. No. 32,179 Rillston, Randall A. Reg. No. 31,838 Robert Vradenburgh, Anna M. Reg. No. 39,868 Reg. No. 20,890 Reg. No. 37,211 Radicvirch, Natalie D. Reg. No. 34,196 Wahl, John R. Reg. No. 33,044 Reg. No. 37,160 Reg. No. 31,924 Reg. No. 31,924 Reg. No. 31,924 Reg. No. 31,924 Reg. No. 31,535 Reg. No. 30,536 Reg. No. 39,536 Reg. No		Reg. No. 33,112		
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Kadievitch, Natalie D. Reg. No. 34,196 Whipps, Brian Reg. No. 43,261 Kastelic, Joseph M. Reg. No. 37,160 Wickhem, J. Scot Reg. No. 43,236 Kettelberger, Denise Reg. No. 33,924 Williams, Douglas J. Reg. No. 27,054 Knearl, Homer L. Reg. No. 21,197 Witt, Jonelle Reg. No. 41,980 Kowalchyk, Alan W. Reg. No. 31,535 Wood, William J. Reg. No. 42,236 Kowalchyk, Katherine M. Reg. No. 36,848 Xu, Min S. Reg. No. 39,536 Kubota, Glenn M. Reg. No. 44,197 Reg. No. 44,197 Reg. No. 39,536		Reg. No. 39,721	Wahl, John R.	
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Kettelberger, Denise Reg. No. 33,924 Williams, Douglas J. Reg. No. 27,054 Knearl, Homer L. Reg. No. 21,197 Witt, Jonelle Reg. No. 21,054 Kowalchyk, Alan W. Reg. No. 31,535 Wood, William J. Reg. No. 42,236 Kowalchyk, Katherine M. Reg. No. 36,848 Xu, Min S. Reg. No. 39,536 Kubota, Glenn M. Reg. No. 44,197 Reg. No. 39,536	Kastelic, Joseph M.	Reg. No. 37,160		
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Signa	ature of Inventor 20	14: Hideyuki Nakani	shi .	Date:	bmary 15, 2002



or

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.